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April 23, 2014

The Honorable Harold Baer, Jr.
United States District Judge
Southern District of New York
500 Pearl Street, Room 2230
New York, NY 10007-1312

Re: The Export-Import Bank of the Republic of China v. Grenada, 13-CV-1450 (HB)

Dear Judge Baer:

We represent the plaintiff, Export-Import Bank of the Republic of China ("Ex-Im Bank"). On Friday, January 10, 2014, the parties submitted a proposed Pretrial Scheduling Order (attached here for your convenience), and a joint request for a further three month stay of the proceedings. On January 13, 2014, we were advised by Chambers that this court had granted a "final stay" of the above captioned action until April 11, 2014. That stay has now expired.

In light of the stay, the Court did not act upon the Proposed Pretrial Scheduling Order. We now submit it once again for the Court's consideration. (We have not been able to ascertain whether the other parties do or do not still endorse this proposed order.)

We stand ready, of course, to provide the Court with an update on status, either in person or by letter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul E. Summit", with a long, sweeping horizontal line extending to the right.

Paul E. Summit

cc: Boaz S. Morag, Esq.
P. Sabin Willett, Esq.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
THE EXPORT-IMPORT BANK OF THE REPUBLIC OF
CHINA,

13 Civ. 1450 (HB)

Plaintiff,
- against -

**PROPOSED PRETRIAL
SCHEDULING ORDER**

GRENADA,

Defendant.
-----X

APPEARANCES

Plaintiff(s) by: Paul E. Summit

Andrew T. Solomon

Defendant(s) by: Boaz S. Morag

Intervenor(s) by: P. Sabin Willett

HAROLD BAER, Jr., District Judge:

Do the parties consent to proceed before a United States Magistrate Judge for all purposes,
pursuant to 28 U.S.C. §636(c) and Fed. R. Civ. P. 73?

Yes ___ No X

Pursuant to Rule 16(b) of the Federal Rules of Civil Procedure, after holding an initial pretrial
conference on notice to all parties, it is hereby ordered that:

Except under circumstances agreed to by the Court:

1. This case is added to the March 2015 Trailing Trial Calendar.

Jury __. Non-Jury X. Estimated number of trial days is 2. Counsel should not make any
other commitments during this month.

As a general rule, and for your information when filling this out prior to the PTC, keep in
mind that all cases will be tried within a reasonable time from the date of this pretrial conference (e.g., 9-
11 months) based on the complexity of the case. I will abide by your choice of month to try your case,
assuming I deem it to be a reasonable time. Keep in mind the quid pro quo is that the month you choose,
due to my trailing trial calendar format, will rarely if ever be changed.

2. The stay entered by the Court on September 19, 2013 will continue through April 11,
2014.

3. No additional parties may be joined after May 30, 2014.

New parties shall be bound by the deadlines included in this Pretrial Scheduling Order. If new parties are joined, the party joining them shall forward to them a copy of this Pretrial Scheduling Order and offer to provide them with access to all previously taken discovery. Should this pose a seemingly insurmountable problem, call Chambers.

4. No additional causes of action or defenses may be asserted after May 30, 2014.

5. **Discovery:** All discovery will be completed by October 31, 2014. Any delays that threaten this timetable are to be brought immediately to the attention of the Court. As the Court rarely grants extensions, any delays or disputes in the taking of discovery should be reported to the Court immediately.

Where applicable, decisions with respect to disclosure and discovery of electronically stored information, along with privilege issues related to that information, shall be provided to the Court within 10 days following the signing of this Order by the Court.

6. **Motions:** The last day for fully-briefed motions (i.e., moving, opposition and reply papers) to be in Chambers is December 15, 2014. Either party may request (and will be given a date by Chambers) for oral argument. It is up to the parties, consistent with Federal and/or Local Rules, to ensure that each has sufficient time to brief their motions by the deadline.

In choosing the last date to submit fully briefed motions juxtaposed with your agreed-to trial month, keep in mind that the Court requires at least 60 days to decide dispositive motions.

7. **Expert testimony:** Disclosure of expert testimony, if any, will be made at least 45 days before the first day of the agreed to trial month. Evidence intended to contradict or rebut the subject matter of the expert testimony will be submitted within 21 calendar days after the disclosure made by the other party, subject only to further order of this Court.

8. **Joint Pretrial Order:** A joint pretrial order may be requested when your trial date is set, and will typically need to be submitted to Chambers from 10 days to 2 weeks prior to trial. See my Individual Practices for details.

9. The law clerk assigned to this case is _____.

10. **Mediation:** Upon request to Chambers by either side, the Court will schedule and conduct a settlement conference and/or mediation. The Court will also, upon request, facilitate mediation under the Court Mediation Program or a settlement conference before your Magistrate Judge. In the case of a mediation to be conducted by the Court, all parties must bring their respective clients to the mediation. Keep in mind, closure, for the most part, is accomplished in direct proportion to how early in the litigation the mediation occurs. Any ADR procedure must occur within the framework of this order.

11. **Settlement/Discontinuance:** Whenever a case is resolved, the parties must submit an Order of Discontinuance, signed by all parties, before the case will be removed from the trial calendar.

When the parties settle within forty-eight hours of trial or the filing of a dispositive motion, they must notify the Court immediately of such settlement, and fax to the Court no less than thirty-six hours prior to their planned appearance an Order of Discontinuance (copy attached), signed by all parties.

12. The parties' signatures below represent their understanding and agreement that this schedule is final and binding upon them unless the Court concludes that extraordinary circumstances warrant an extension with respect to one or more than one of the scheduled dates.

For Plaintiff

For Defendant

For Intervenors

SO ORDERED.

DATED:

New York, New York

HAROLD BAER, JR.
United States District Judge

Rev. 10/23/12